

REMARKS

A clerical error in claim 5 has been amended.

In paragraph 1 of the Action, claims 1 and 3-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa et al. in view of Dalphy et al. However, the claims of the invention are patentable over the cited references, as explained below.

In Ogawa et al., an apparatus for performing non-contact measurement of relative displacement includes a material testing apparatus 2, a microscope 3 for inspecting a test piece 7 tested by the testing apparatus 2, an image synthesizer 4 for receiving the signals from the microscope 3, and an image processor 5 processing the signals from the image synthesizer 4. The signals from the image processor 5 are sent to a computer 6. Measurements of the elongation of the test piece can be obtained as a graph.

In claims 1 and 5 of the application, a material testing machine having load mechanism and so on is used, and image data containing load-elongation curve is obtained. Ogawa et al. shows the material testing machine similar to the invention. However, other structures of the invention, explained below, are not disclosed or suggested in Ogawa et al.

Dalphy et al. is directed to an internet-implemented method for supporting component repair services. The method includes running a first program on the first operating system to cause a display prompt for input control to initiate a test, and responding to the input control by: exiting from the first operating system and entering a second operating system; running a second program on the second operating system to perform a test of the hardware component to generate a test result; responding to the test result to store a recorded test result; exiting from the second operating system and entering the first operating system; and transmitting to the web site information based on the recorded test result. Namely, test and repair if possible are conducted between a remote computer and a web site.

In claim 1 of the application, an outside provider is electrically connected to the computer, and has a web site established therein. The provider receives outputs of the computer to update the test information periodically to the web site. The web site includes updated test information accessible at any time from another computer or a portable

terminal.

In Dalphy et al., the component repair services are conducted by using internet and web site. However, in the invention, the material testing machine is connected to the outside provider. Thus, the subject to be used in the invention is different from that of Dalphy et al.

In Dalphy et al., a communication is established between the remote computer or machine to be tested and the web site to conduct a repair, and the test result is provided to the web site. In claim 1, the test information conducted by the material testing machine is periodically provided to update, and the updated test information is accessible from another computer or portable terminal at any time. In Dalphy, the test result is provided to the web site, but the update information is not provided to the web site nor is accessible by another computer or portable terminal.

Thus, the features as recited in claim 1 are not disclosed or suggested in Dalphy et al.

In claim 5 of the invention, in addition to the outside provider, a terminal is disposed independently from the outside provider, and connected to the outside provider. The computer of the material testing machine periodically sends the test information and the image data by an electronic mail to the terminal through the outside provider to provide update information and image data.

In the invention, in addition to the outside provider, the terminal is disposed independently from the outside provider and connected to the outside provider. In Dalphy et al., the repair service is conducted between the machine to be tested and the web site. Therefore, no terminal independent from the outside provider is connected to the outside provider.

In the invention, the computer of the material testing machine periodically sends the test information and the image data by an electronic mail to the terminal through the outside provider to provide update information and image data. In Dalphy et al., no information is provided to other machine through the internet.

Thus, the features as recited in claim 5 are not disclosed or suggested in Dalphy et al.

In the Action, the Examiner referred to column 2, line 63 to column 3, line 13 and explained that the test information and image data are

periodically updated to the web site and updated test information is accessible from another computer or portable terminal. However, such information or materials are not disclosed or suggested in Dalphy et al. The Examiner's opinion is based on the assumption of the internet and the web site, not based on the materials actually disclosed in Dalphy et al.

In case Ogawa et al. and Dalphy et al. are combined, the computer of Ogawa et al. may be connected to the web site through the internet. However, such combination does not disclose or suggest the invention.

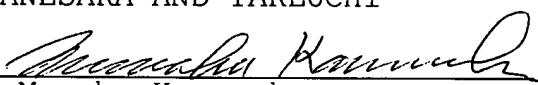
In claim 1, the provider receives outputs of the computer to update the test information periodically to the web site, and the web site includes updated test information accessible at any time from another computer or a portable terminal. This portion in claim 1 is not disclosed or suggested by the combination of the two cited references.

In claim 5, the terminal is disposed independently from the outside provider and is connected to the outside provider, and the computer of the material testing machine periodically sends the test information and the image data by an electronic mail to the terminal through the outside provider to provide update information and image data. This portion in claim 5 is not disclosed or suggested by the combination of the two cited references.

Accordingly, even if the cited references are combined, claims of the application are not obvious from the cited references.

Reconsideration and allowance are earnestly solicited.

Respectfully submitted,
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